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JUL 3 0 2002

In re Application of : **OFFICE OF PETITIONS**
Hong Su et al : DECISION GRANTING
Application No. 10/091,237 : PETITION
Filed: March 4, 2002 :
Attorney Docket No. 10013661-1 :

This is a decision on the paper styled "PETITION" filed May 31, 2002, which is properly treated as a petition under 37 CFR 1.10(c), requesting that the above-identified application be accorded a filing date of March 4, 2002, rather than the presently accorded filing date of March 5, 2002.

Applicants allege that the application was deposited in "Express Mail" service with the U.S. Postal Service, on March 4, 2002. In support, applicants provided a copy of the Express Mail label, receipt no. EV069670328US, showing a Date-In of March 4, 2002. The same Express Mail receipt number was referred to in the copy of the original transmittal letter submitted with the instant petition. Applicants request that the application be accorded a filing date of March 4, 2002.

The Office considers the date the paper or fee is shown to have been deposited as "Express Mail" to be the "Date In" on the Express Mail label, MPEP 513. That is the date that verifies that the package was actually mailed. In view of the above, the evidence is convincing that the application was deposited as "Express Mail" with the US Postal Service on March 4, 2002.

The petition is granted. The \$130.00 petition fee is being credited to counsel's deposit account.

The application is being returned to the Office of Initial Patent Examination for correction of the filing date to March 4, 2002.

Telephone inquiries specific to this matter should be directed to Wan Laymon at (703) 306-5685.

Sherry Brinkley
Sherry Brinkley
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for Patent Examination Policy